

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LINDY RAY MATTHEWS, #504717,)	
Plaintiff,)	
)	
v.)	3:05-CV-1217-P
)	
WARDEN L.E. FLEMING, et al.,)	
Defendants.)	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b), and an order of the District Court filed on July 25, 2005, Plaintiff's letter filed on July 15, 2005, has been referred to the United States Magistrate Judge for report and recommendation. The findings, conclusions and recommendation of the Magistrate Judge, as evidenced by his signature thereto, are as follows:

FINDINGS AND CONCLUSIONS:

The above referenced letter requests that a copy of Plaintiff's motion to proceed *in forma pauperis* (IFP), with certificate of inmate trust account, filed on June 14, 2005, in No. 3:05cv1217-P, be transferred to Plaintiff's newly filed action in Cause No. 3:05cv1408-L. Plaintiff correctly notes that No. 3:05cv1217-P was dismissed on the basis of her motion to withdraw on June 23, 2005.


Plaintiff's request is no longer necessary. On July 15, 2005, contemporaneously with the filing of the above referenced letter, Plaintiff's new complaint with IFP motion were filed and assigned Cause No. 3:05cv1408. Thereafter, on July 22, 2005, the undersigned granted Plaintiff's IFP motion and issued a questionnaire.

RECOMMENDATION:

For the foregoing reasons, no further action is necessary in response to Plaintiff's letter.

A copy of this recommendation will be mailed to Plaintiff

SIGNED this 9th day of August, 2005.



WM. F. SANDERSON, JR.
UNITED STATES MAGISTRATE JUDGE

NOTICE

In the event that you wish to object to this recommendation, you are hereby notified that you must file your written objections within ten days after being served with a copy of this recommendation. Pursuant to Douglass v. United Servs. Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc), a party's failure to file written objections to these proposed findings of fact and conclusions of law within such ten-day period may bar a *de novo* determination by the district judge of any finding of fact or conclusion of law and shall bar such party, except upon grounds of plain error, from attacking on appeal the unobjected to proposed findings of fact and conclusions of law accepted by the district court.